

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALICE B. WARREN, et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:05CV2071 RWS
)
CONTINENTAL TIRE N.A., INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on Plaintiffs' failure to comply with my Order Referring Case to Alternative Dispute Resolution. Plaintiff shall show cause why sanctions should not be imposed for failure to comply with my Order.

I referred this case to ADR on April 4, 2006. In the Order Referring Case to Alternative Dispute Resolution, I designated Plaintiffs' counsel as lead counsel. Specifically, the Order states that "Roy B. True is designated as lead counsel and shall be responsible for working with the parties and the neutral to coordinate an agreeable date, time, and, if necessary, location for the initial ADR conference." Plaintiffs' counsel was ordered to notify the Clerk of the name of the neutral and the date, time and location of the ADR conference by April 24, 2006. Plaintiffs' counsel requested and received an extension of time to designate the neutral in this case until May 15, 2006.

On May 31, 2006, the Court's ADR Coordinator phoned Plaintiffs' counsel and informed him that the designation of neutral was untimely. Plaintiffs' counsel has failed to take any action to extend the deadline for designating a neutral.

The parties have a duty to participate in the ADR process in good faith. Nick v. Morgan

Foods, Inc., 99 F. Supp. 2d 1056, 1059-60 (E.D. Mo. 2000). Failure to do so may lead to sanctions. Id.

Plaintiffs' counsel's failure to designate a neutral or respond to the Court's ADR Coordinator raises an inference that he and/or his client is/are not participating in the ADR process in good faith. As a result, Plaintiffs shall show cause in writing and no later than ten days of the date of this Order why sanctions should not be imposed for failure to participate in the ADR process in good faith.

IT IS HEREBY ORDERED that Plaintiffs shall show cause in writing and **no later than ten (10) days of the date of this Order** why sanctions should not be imposed for failure to participate in the ADR process in good faith.

Dated this 7th day of June, 2006.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE